

Steps & Resources for Assuming Clean Water Act Section 404 Program

Basic Steps:

Ex. 5 Deliberative Process (DP)

Resources:

State/Tribal Assumption Regulations (40 CFR 233) - regulations specifying procedures and criteria used by the EPA in considering assumption of section 404 program ([HYPERLINK "https://www.epa.gov/sites/production/files/2015-03/documents/2004_10_21_wetlands_40cfrpart233.pdf"])

Section 404(b)(1) Guidelines (40 CFR 230) – regulations that constitute substantive environmental criteria used in evaluating activities regulated under Section 404 of the Clean Water Act ([HYPERLINK "https://www.epa.gov/cwa-404/section-404b1-guidelines-40-cfr-230"])

Report by Assumable Waters Subcommittee – Advisory group convened under National Advisory Council for Environmental Policy and Technology committee to provide advice and recommendations on how the EPA could clarify the waters for which a state or tribe could assume permitting responsibility under an approved Clean Water Act section 404 program ([HYPERLINK "https://www.epa.gov/sites/production/files/2017-06/documents/awsubcommitteefinalreport_05-2017_tag508_05312017_508.pdf"])

Memo from US Department of Army, Office of Assistant Secretary (Civil Works). July 30, 2018. Subj: Clean Water Act Section 404(g) – Non-Assumable Waters – guidance to US Army Corps of Engineers that clarifies waters assumable by a state or tribe ([HYPERLINK "https://www.army.mil/e2/c/downloads/525981.pdf"])

ASWM and ECOS 2011 Handbook – guidance for states and tribes on assuming the 404 program ([HYPERLINK "https://www.aswm.org/pdf_lib/cwa_section_404_program_assumption.pdf"])